

Comment (Case 3613) – On the setting aside of *Nyctimystes cheesmani* Tyler, 1964 in favour of *Nyctimystes cheesmanae* Tyler, 1964 (Amphibia, Anura, hylidae)

(see BZN 70(1): 30–32 [Case])

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1. The publication of Case 3613 in the *Bulletin of Zoological Nomenclature* (see Tyler & Menzies, 2013, pp. 30–32) is surprising, as this paper ignores the recent discussions devoted to the question of specific scientific names dedicated to persons (Brandon-Jones et al., 2007; Dubois, 2007; Dubois et al., 2011; Nemésio & Dubois, 2012). It would be too heavy and useless to repeat here the detailed explanations given in these papers, particularly in Dubois (2007), and these original publications should be consulted before any decision on this case is taken.

2. The application did not distinguish between the situations described in Articles 31.1.1 and 31.1.2 of the Code, which result in different rules according to whether a specific name based on a personal name was so on the basis of a Latinized form of this name (Article 31.1.1) or not (Article 31.1.2). If Article 31.1.1 applies, the name must “*be formed in accordance with the rules of Latin grammar*”, but the latter does not imply in the least that a nomen dedicated to a man must ends in *-i* or that one dedicated to a woman must ends in *-ae*, as many other genitive endings are compatible with Latin grammar in these situations (Dubois, 2007, p. 54–58). As for Article 31.1.2, it can be applied only when evidence was provided in the original publication itself that the epithet was derived from the unlatinized stem of the person’s name, as well as for the sex of the dedicatee of the name (Dubois, 2007, p. 54). This was not the case in the original paper of Tyler (1964), where the etymology of the specific name *cheesmani* was not given and the new name introduced with the simple sentence: “*Nyctimystes cheesmani is therefore proposed to replace Nyctimystes montana Parker*”. Therefore Article 31.1.1 applies, and under this article the spelling *cheesmani* cannot be construed as having been incorrectly formed and should not be emended. Furthermore, it should not be so even if it had been incorrectly formed because, according to Article 32.5.1, “*Incorrect transliteration or latinization (. . .) are not to be considered inadvertent errors*” and do not qualify as incorrect original spellings. Therefore, the spelling *cheesmanae* introduced by Menzies (1976) is an unjustified emendation of the original spelling, with its own author and date, and as such it should be rejected as an invalid junior objective synonym.

3. Although its publication was in my opinion not warranted, this application has now been published, and its proposal should be considered. The fact that, after a period of three years, no comment has been published in the *Bulletin* about this case, suggests that the latter does not appear as an important one to practicing amphibian taxonomists, and that ‘protecting’ the spelling *cheesmanae* is not a major concern for most of them. This is also evidenced by the post-1976 citations given by Tyler & Menzies (2013), which include 7 works using the correct original spelling *cheesmani* and 6 works using the

unjustified emendation *cheesmanae*. Furthermore, these citations failed to mention four major references very widely used internationally for seeking information on the taxonomy of amphibians, namely the publication of Pyron & Wiens (2011) and the websites *Amphibian Species of the World* (<http://research.amnh.org/vz/herpetology/amphibia/>), *AmphibiaWeb* (<http://amphibiaweb.org/>) and *The IUCN Red List of Threatened Species* (<http://www.iucnredlist.org/>), which all four use the spelling *cheesmani*. Therefore, and contrary to the statement of Tyler & Davies (2013, p. 31), the spelling *cheesmanae* is far from meeting the conditions of Article 33.2.3.1, which states: “when an unjustified emendation is in prevailing usage and is attributed to the original author and date it is deemed to be a justified emendation”.

4. In conclusion, the conditions for preservation of the emendation are not complied with, and the original spelling should be maintained. In this case like in many others where individual zoologists appeal to the Commission to protect their ‘preferred’ nomenclature, the *Code* should be strictly followed, as any unjustified exception to the rules tolerated contributes to nomenclatural laissez-faire and weakens the legislative value of the *Code* in the eyes of zootaxonomists. At any rate, pending the decision of the Commission on this case, and as there is no reason to follow Article 82.1 since there exists no ‘prevailing usage’ of the unjustified emendation, the correct original spelling *cheesmani* should be used by all authors who mention this species, and the use by Menzies (2014a, b) of the spelling *cheesmanae* was unwarranted and should not be repeated.

5. It is clear however that the current Article 31.1 of the *Code* proves of difficult understanding and usage by many working taxonomists, as shown by this case and by the various examples given by Brandon-Jones et al. (2007), Dubois (2007, pp. 67, 68) and Nemésio & Dubois (2012). In amphibians, following the interpretation of the authors of unjustified emendations cited in these works would result in requiring to emend the spelling of very-well known specific names, such as that of the common European frog species *Pelophylax lessonae* (Camerano, 1882), dedicated to a man, or of the famous ‘moustache frog’ from China *Leptobrachium boringii* (Liu, 1945), dedicated to a woman. Such a course would certainly not serve nomenclatural stability.

6. A clarification and simplification of Article 31.1 appears therefore necessary, and the *Code* would no doubt be improved by proper consideration being given to the proposals of Dubois (2007, pp. 63, 64) in this respect.

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